

Application Number: 10/532,178
Amendment dated: August 12, 2009
Reply to Office Action of: March 31, 2009

REMARKS / ARGUMENTS

Remarks:

Claims 1-16 are canceled. Claims 17-28 are withdrawn. New claims 29 to 31 were added; nonetheless no new subject matter has been neither added nor claimed, rather the claims were substantially redrafted, in light of the telephonic interview, to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants maintain all rights to any subject matter reflected in the canceled claims, which may be claimed in subsequent applications. Claims 29 to 31 are pending in this application.

Arguments:

In response to the office communication relating to the summary of the interview held on the 30th of June, 2009, sent on the 6th of July 2009 and received on the 20th of July, 2009, changes have been made in the claims. The new set of claims has a significantly restricted scope as compared to the original set as filed.

In the prior art, Shapiro, US 5,957,866 completely eliminates preservation of temporal information, as the method (described and claimed) explicitly receives raw data, transforms it to phase data while phase fixing (col. 5 line 24 – 26; col. 5 line 64), this is also explained as "processed to remove small differences in timing" (col. 3, line 44) (in the claims: col. 8, line 65; col. 9. Line 65-66). Transforming of signals from the time domain to the frequency domain is a well known approach of reducing noise in engineering, see for example WO9418666A1.

The new scope of claims covers only the aspect of the invention according to which processed breath sounds/heart signals (either sound or electric) are made use of only as the temporal

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variability is kept. In the previous, broader scope, frequency information devoid of temporal information of the breath/heart was included.

Please refer to an annotated version of the US 2006/0047213 publication that is annexed hereto, in order to easily locate the pertinent portions of the description on which various features of the claims are based. Please refer to the following list of references within US 2006/0047213, which redundantly direct to the same locations as the aforementioned annotations.

1. Paragraph 0020
- 1B Para 0016
2. Para 0041
3. Para 0013
4. Para 0013
5. Para 0013
6. Para 0017
7. Para 0017
8. Para 0014
9. Para 0054
- 9B. Para 0017
10. Para 0047
- 10B. Para 0018
21. Para 0012
22. Para 0013

Summary:

In light of the amendment and arguments presented during the aforementioned telephonic interview, applicants believe that the rejections presented by the Examiner in the office action mailed to applicant March 31, 2009 were overcome. Applicants therefore hope that the Examiner will allow the application with the claims as amended to proceed to acceptance. Reconsideration and withdrawal of the rejection and issue of a notice of allowance on the

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pending claims is respectfully solicited.

Respectfully submitted,

/ Noam Gavriely /

Noam Gavriely

Enc.: Annotated US 2006/0047213